

REMARKS/ARGUMENTS

Claims 15 – 77 are currently pending and rejected.

The applicants add new claims 78 – 82, and amend claims 15 – 25, 27, 28, 30 – 40, 42 – 62, 65 – 68 and 70 – 77. Claims 16 – 25, 28, 30 – 38, 40, 42 – 44, 46 – 49, 51 – 59, 61, 62, 65 – 67, 70 – 77 have been amended, not to overcome the examiner's rejection, but to more clearly recite an aspect of the applicants' invention. The applicants respectfully assert that claims 15 – 82, as amended, are in condition for allowance for at least the reasons discussed below.

Rejection against Claims 15 – 26

The applicants respectfully assert that claim 15, as amended, is patentable over U.S. Patent 6,611,812 (Hurtado) at least because Hurtado fails to disclose storing digital data on a medium in more than one format wherein the data in each format represents all or substantially all of the same media content.

The applicants' claim 15, as amended, recites a method for protecting media content stored on a storage medium. The method comprises creating a first session on the medium, the first session containing digital data stored in a first format and representing all or substantially all of the media content. The method also comprises creating a second session on the medium, the second session containing digital data stored in a second format and representing all or substantially all of the media content.

For example, as shown in FIG. 1 and discussed in paragraphs 19 – 24, a compact disc 100 includes audio content stored in two different formats 106 and 110. The format 106 is readable by a conventional compact disc player like a Sony Walkman portable CD player. The format 110 is readable by a conventional CD-ROM coupled to a mother board of a personal computer. When each format is read by their respective devices, the user hears the same music. In this example, both formats are protected against being read by the device that reads the other format. Thus, a CD-ROM drive is prevented from reading media content in the format 106, and the conventional CD player is prevented from reading the media content in the format 110. This allows a purchaser to use any CD player to listen to

the music stored on the compact disc 100, while preventing the user from making copies of the music without permission.

In contrast, Hurtado fails to disclose storing digital data on a medium in more than one format wherein the data in each format represents all or substantially all of the same media content. Hurtado appears to disclose a system for distributing content. In one embodiment, the content appears to be purchased and delivered via the internet from content stores located remotely from the purchaser. The content that the purchaser receives is in a single format, not two or more different formats. In another embodiment, the content appears to be purchased via the internet but provided via a compact disc. In this embodiment, the compact disc contains the content in an encrypted format that can be decrypted with decryption keys purchased via the internet. The compact disc also contains portions of the content that are not encrypted to allow a user to sample portions of the content before deciding to purchase the decryption keys to decrypt the remainder of the content. Although a portion/sample of the content stored on the CD appears to be stored in two different formats, a large portion of the content, the portion that is included in the samples, is stored in a single format on the CD. Therefore, unlike the applicants' claimed method, neither of Hurtado's distribution methods includes storing digital data on a medium in more than one format wherein the data in each format represents all or substantially all of the same media content.

Claims 16 – 26, as amended, are patentable at least by virtue of their dependencies on amended claim 15.

Rejection against Claims 27 – 38

Claim 27, as amended, is patentable over Hurtado at least for reasons similar to those recited above in support of amended claim 15 over Hurtado.

Claims 28 – 38, as amended, are patentable at least by virtue of their dependencies on amended claim 27.

Rejection against Claims 39 – 44

Claim 39, as amended, is patentable over Hurtado at least for reasons similar to those recited below in support of amended claim 45 over Hurtado.

Claims 40 – 44, as amended, are patentable at least by virtue of their dependencies on amended claim 39.

Rejection against Claims 45 – 49

The applicants respectfully assert that claim 45, as amended, is patentable over Hurtado at least because Hurtado fails to disclose transferring digital data, a digital rights management license, and digital rights management software from a single storage medium.

The applicants' claim 45, as amended, recites a method for transferring digital data from a removable storage medium that comprises copying the digital data from the storage medium, copying at least one digital rights management license from the storage medium, and copying digital rights management software from the storage medium.

In contrast, Hurtado fails to disclose transferring digital data, a digital rights management license, and digital rights management software from a single storage medium. Hurtado appears to disclose a system for distributing content via the internet or via a combination of the internet and a compact disc. In both of these embodiments, a clearing house located remotely from the purchaser appears to provide a digital rights management license via the internet. In the internet-alone embodiment, a content store located remotely from both the purchaser and the clearing house appears to provide digital data representing the content. In the CD and internet combination embodiment, a CD located remotely from the clearing house appears to provide digital data representing the content. Therefore, unlike the applicants' claimed method, neither of Hurtado's methods includes transferring digital data, a digital rights management license, and digital rights management software from a single storage medium.

Claims 46 – 49, as amended, are patentable at least by virtue of their dependencies on amended claim 45.

Rejection against Claims 50 – 59

Claim 50, as amended, is patentable over Hurtado at least for reasons similar to those recited above in support of amended claim 15 over Hurtado.

Claims 51 – 59 and 78 are patentable at least by virtue of their dependencies on amended claim 50.

Rejection against Claims 60 – 67

Claim 60, as amended, is patentable over Hurtado at least for reasons similar to those recited above in support of amended claim 45 over Hurtado.

Claims 61 – 67 and 79 are patentable at least by virtue of their dependencies on amended claim 60.

Rejection against Claims 68 – 77

Claim 68, as amended, is patentable over Hurtado at least for reasons similar to those recited above in support of amended claim 15 over Hurtado.

Claims 69 – 77 and 80 are patentable at least by virtue of their dependencies on amended claim 68.

Conclusion

The applicants respectfully request that the examiner withdraw the rejection against claims 15 – 77, as amended, and issue an allowance for claims 15 – 82.

If, after considering this response, the examiner believes the claims should not be allowed, the applicants respectfully request that before issuing an Office Action, the examiner call the applicants' attorney, Mr. Janeway (425-455- 5575), to schedule a telephone conference to further the prosecution of the claims.

Should any additional fees be required, please charge them to Deposit
Account No. 07-1897.

Dated this 10th day of January 2008.

Respectfully submitted,
GRAYBEAL JACKSON HALEY LLP



John M. Janeway
Attorney for Applicant
Registration No. 45,796
155-108th Avenue N.E., Ste. 350
Bellevue, WA 98004-5973
(425) 455-5575